IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.382 OF 2005

Smt.Farida Shahid Ahmed ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. Waris Pathan, for the Applicant.

Mr. R.Y. Mirza, A.P.P., for the State.

Mr. Vinay A. Rathi, Advocate for the first informant.

...

CORAM : A.M.KHANWILKAR,J.

2nd February 2005

P.C.:

. Heard Counsel for the parties, including Mr. Rathi for the Complainant. Perused the record. On going through the various statements, it appears that the incident in question of firing took place on the spur of moment. It is possible to say that the accused must have over-reacted to the situation, but nevertheless,

the fact remains that the incident as taken place was not premeditated. Besides, investigation is complete and the Applicant being female, the Applicant deserves to be enlarged on bail.

2. Counsel for the Complainant, however, submits that the complainant apprehends that if the Applicant is released on bail would stay in the same premises and in all probability, influence the prosecution witnesses, besides threat to her life. This objection is unfounded. In any case, the Applicant, through her Counsel, assures that if she is released on bail, she will not reside in the same premises, but make her own arrangement for the time being till further orders to be granted by the appropriate Court. That arrangement will be worked out without prejudice to her rights and contentions in respect of the said premises.

3. In the circumstances, the Applicant deserves to be enlarged on bail on the following terms.

(A) The Applicant is granted bail in

connection with CR.No. 386/2004 registered with Juhu Police Station on executing personal bond in the sum of Rs.25,000/- with one or two local sureties in the like amount.

(B) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicant shall co-operate for early disposal of the trial. If the trial Court is of the opinion that the Applicant is responsible in any manner for delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

(D) The Applicant shall not reside in the disputed premises as assured by her through her Counsel across the Bar till appropriate orders are passed by the Court.

3. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)